

**Notice of Allowability**

Application No.

10/529,525

Examiner

Long K. Tran

Applicant(s)

ONOZAWA, YASUhide

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/29/2005.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date NOA.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 29/3/05, 7/31/06
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20060922
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_



Continuation of Substance of Interview including description of the general nature of what was discussed:

The applied reference and the instant application have a common inventor and the same Assignee. Based upon the scope of claims of the reference, it qualifies for a provisional non-statutory double patenting rejection because the conflicting claims have not in fact been patented.

An Examiner-Initiated Interview with Applicants' counsel, Mr. William Androlia, was conducted on September 27, 2006 to explain the issues. As a result, Applicants' counsel agreed to file a Terminal Disclaimer to obviate any potential rejection under the obviousness-type double patenting. It was also agreed to amend claim 10 to correct typo error and figure 10 is designated by legend Prior Art. Forming drawing figure 10 will be submitted with this change as required in the attached Notice Of Allowability.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William Androlia on 9/25/06. The application has been amended as follows:

Specification: Add the following paragraph under the Title:

-- This application is a 371 of PCT/JP03/12656 filed on 10/02/03. --

Figure 10 is designated by a legend -- Prior Art --;

Claim 1, line 11: change "said mount substrate to -- said mounting substrate -- (typo error).

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed on 3/29/05.

### ***Information Disclosure Statement***

3. This office acknowledges receipt of the following items from the Applicant:  
Information Disclosure Statements (IDS) filed 03/29/2005 and 07/31/2006.  
Information disclosed and listed on PTO 1449 was considered.

***Drawings***

4. The drawings filed on 03/29/2005 are acceptable subject to correction of the informalities indicated in the Examiner's Amendment above. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

***Allowable Subject Matter***

5. Claims 1 – 23 are allowed.

6. The following is an examiner's statement of reasons for allowance: Claims 1 – 23 are allowable over the prior art of record because none of the prior art whether taken singularly or in combination, especially when these limitations are considered within the specific combination claimed, to teach:

A method manufacturing a SAW device comprising: forming an airtight between an IDT electrode and a mounting substrate; mounting a resin sheet on the upper surface of the SAW and larger than the surface of the SAW; pressurizing the resin sheet while softening or melting the resin sheet from one end of the mounting substrate to the other end of the mounting substrate; securing the airtight space during lamination step; the thickness (tr) of the resin sheet before the lamination step satisfies:  $L/[(X+G_x)(Y+G_y)] < \text{or } = .tr$ , where  $L=(X+G_x)(Y+G_y)(H+T+A)-XYT-XYA-[XV_yA+YV_xA+(4V_xV_yA)/3]$ ; and among other steps as cited in the independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long K. Tran whose telephone number is 571-272-1797. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MinSun Harvey or Matthew Smith can be reached on 571-272-1835 or 571-272-1907 (Smith). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Long Tran



September 24, 2006